

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 RICHARD LEE CANTERBURY,
8 Plaintiff,
9 v.
10 CLARK COUNTY DETENTION CENTER et
11 al.,
12 Defendants.

2:17-cv-00211-MMD-NJK

ORDER

I. DISCUSSION

On September 18, 2017, this Court issued a screening order dismissing the complaint in its entirety, without prejudice with leave to amend, for failure to state a claim. (ECF No. 10 at 11). The Court granted Plaintiff thirty (30) days from the date of that order to file a first amended complaint. (*Id.*) The Court warned that, if Plaintiff failed to file a first amended complaint, the Court would dismiss the action with prejudice for failure to state a claim. (*Id.*)

On October 2, 2017, Plaintiff appealed. (ECF No. 12). On November 16, 2017, the U.S. Court of Appeals for the Ninth Circuit dismissed the appeal for lack of jurisdiction. (ECF No. 14).

The Court now grants Plaintiff until Friday, December 22, 2017 to file his first amended complaint in compliance with the Court's screening order.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that, if Plaintiff chooses to file an amended complaint curing the deficiencies of his complaint, as outlined in the screening order, Plaintiff must file the amended complaint on or before Friday, December 22, 2017.

IT IS FURTHER ORDERED that the Clerk of the Court send to Plaintiff the approved

1 form for filing a § 1983 complaint, instructions for the same, a copy of his original complaint
2 (ECF No. 11), and a copy of the screening order (ECF No. 10). If Plaintiff chooses to file an
3 amended complaint, he must use the approved form and write the words "First Amended"
4 above the words "Civil Rights Complaint" in the caption.

5 IT IS FURTHER ORDERED that, if Plaintiff fails to file an amended complaint curing
6 the deficiencies outlined in this order, this action will be dismissed with prejudice for failure to
7 state a claim.

8

9 DATED: This 17th day of November, 2017.

10

11

12 United States Magistrate Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28